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AF/1638
#29
Ex (3) Appeal
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RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1638

PATENT
0020-4348P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Eijiro WATANABE et al. Conf.: 4405
Appl. No.: 08/992,914 Group: 1638
Filed: December 18, 1997 Examiner: D. KRUSPE
For: RAFFINOSE SYNTHASE GENES AND THEIR USE

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NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

Assistant Commissioner for Patents
Washington, DC 20231

February 28, 2003

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated August 29, 2002 of the Primary Examiner finally rejecting claims 1-4, 6, 7, 9-18, 30-36, 40, 41, 43 and 44.

The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$930.00 is required for the full period of the above-requested extension of time.

An extension of _____ () month(s) for responding to the Final Rejection was previously requested and paid for on _____. Thus a fee of \$0.00 is required to obtain an additional _____ () month(s) for filing the Notice of Appeal.

03/03/2003 SZEWDIE1 00000039 08992914

01 FC:1401 320.00 OP

03/03/2003 SZEWDIE1 00000039 08992914
02 FC:1253 930.00 OP

Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

Large entity - \$320.00

Small Entity - \$160.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$1,250.00.

Payment of the above TOTAL FEE is being made in the following manner:

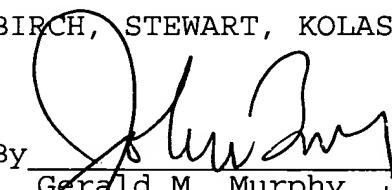
Check(s) in the amount of \$930.00 and \$320.00 is/are enclosed.

Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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0020-4348P

(Rev. 02/20/02)